

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

CLERK OF DISTRICT COURT
NORTHERN DIST. OF TX
FORT WORTH DIVISION
FILED

2019 APR 23 PM 3:06

DEPUTY CLERK _____

LISA BIRON,

Plaintiff,

v.

Civil Action No. 4:19-CV-322 - A

FEDERAL MEDICAL CENTER ("FMC")
CARSWELL WARDEN JODY UPTON;
FMC CARSWELL PSYCHOLOGIST
LETICIA A. ARMSTRONG; FMC
CARSWELL PSYCHOLOGIST E. DIXON,

Defendants.

NOTICE OF REMOVAL

Please take notice that defendants Jody Upton, Leticia Armstrong, and Emily Dixon—respectively, the warden of and two staff psychologists at Federal Medical Center, Carswell (FMC Carswell), a federal prison operated by the Federal Bureau of Prisons—hereby remove the action pending as Cause No. 141-30580-19 in the 141st District Court in and for Tarrant County, Texas, to the Fort Worth Division of the United States District Court for the Northern District of Texas, and as support would respectfully show as follows:

1. Cause No. 141-30580-19 was commenced upon plaintiff Lisa Biron's filing of a "Civil Complaint for Damages and Injunctive and Declaratory Relief" in the 141st¹

¹ The complaint as submitted by Biron to the Tarrant County District Clerk for initiation of an action refers to the "48th District," but was assigned to the 141st District Court, presumably in accordance with

District Court in and for Tarrant County, Texas, on January 31, 2019. In the complaint, Biron relates that while she was incarcerated at FMC Carswell, Dixon and Armstrong confiscated a “manuscript” in which Biron had recorded her “Biblical study and research on the Christian view of morality regarding sexual conduct,” and Upton thereafter “failed to intervene to protect” Biron’s rights with respect to the manuscript. As background, Biron was previously convicted of various federal sex offenses in the District of New Hampshire. *See United States v. Biron*, No. 16-CV-108-PB, 2017 WL 4402394 (D.N.H. Oct. 2, 2017). As detailed by the New Hampshire federal court in its order denying Biron’s 28 U.S.C. § 2255 motion, the victim of Biron’s crimes was Biron’s then-14 year old daughter. *See id.* at *1. Biron had arranged for her daughter to enter into a sexual relationship with an adult man over the internet, and transported her daughter to a hotel in Canada so that both Biron and the daughter could have sex with the man (including in encounters that were filmed by Biron “at Biron’s insistence”). *Id.* at *2–3. Biron also arranged through an advertisement placed on Craigslist for a different man to have sex with the daughter on multiple occasions (including in a filmed encounter on a couch in front of Biron). *Id.* at *2. Finally, Biron filmed herself performing oral sex on her own daughter. *Id.* at *2–3. Biron’s manuscript was confiscated because it contained sexual material and discussed sexual matters involving Biron’s daughter, and possession of such material was determined to be in violation of Biron’s sex offender management plan. In

the Tarrant County local rules’ provision for random assignment of cases. *See Tarrant Co. General Local R. 1.03(a)*.

her complaint, Biron contends that this was in violation of her rights and seeks damages and injunctive relief.

2. This action is removable pursuant to 28 U.S.C. § 1442(a)(1), which authorizes the removal of any “civil action . . . commenced in a State court” against “[t]he United States or any agency thereof or any officer (or person acting under that officer) of the United States or of any agency thereof, in an official or individual capacity, for or relating to any act under color of such office.” This removal provision applies in this case because the defendants are the warden and two staff psychologists employed by the Federal Bureau of Prisons, a component of the executive branch of the United States located within the Department of Justice and under the Attorney General.

3. The purpose of the section 1442(a)(1) removal provision is to protect the lawful activities of the federal government from undue state interference. *See Willingham v. Morgan*, 395 U.S. 402, 405–06 (1969). Unlike the general removal statute, which must be “strictly construed in favor of remand,” *Manguno v. Prudential Prop. & Cas. Ins. Co.*, 276 F.3d 720, 723 (5th Cir. 2002), “[t]he Supreme Court has stated that § 1442(a)(1) is to be construed broadly and ‘should not be frustrated by a narrow, grudging interpretation,’” *Humphries v. Elliot Co.*, 760 F.3d 414, 417 (5th Cir. 2014) (quoting *Willingham v. Morgan*, 395 U.S. 402, 407 (1969)). A case may be removed even if a federal question arises as a defense rather than as a claim apparent from the face of the plaintiff’s well-pleaded complaint. *See Jefferson County, Ala. v. Acker*, 527 U.S. 423, 431 (1999).

4. Here, removal is proper under section 1442(a)(1) because Biron's complaint relates to acts taken by the defendants under color of their federal offices and establishes a causal connection between the defendants' performance of their official duties as federal officers and Biron's claims. In addition, the defendants can and will be asserting at least one "colorable federal defense" to the claims against them. *See Mesa v. California*, 489 U.S. 121, 136 (1989). These include, but are not limited to, the following:

- Armstrong and Dixon assert the defense of qualified immunity to claims against them in a personal capacity for damages.
- Biron's purported claims under *Bivens v. Six Unknown Federal Agents of Bureau of Narcotics*, 403 U.S. 388 (1971), are nonactionable because Biron's claims represent a new *Bivens* context and special factors counsel against judicial creation of a new damages remedy in the circumstances of Biron's claims. *See Ziglar v. Abbasi*, 137 S. Ct. 1843 (2017).
- A federal statute, the Prison Litigation Reform Act, bars, in whole or in part, Biron's claims for damages. *See* 42 U.S.C. § 1997e(e).
- Sovereign immunity bars Biron's claims against the defendants in an official capacity, because such claims are considered to be claims against the government itself, and the government has not waived immunity for Biron's official-capacity claims and jurisdiction for such claims is absent.

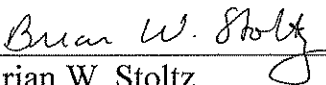
* * * *

This case is subject to removal pursuant to 28 U.S.C. § 1442(a)(1), and a removal is hereby timely effected.² The defendants reserves all defenses and will answer or otherwise respond to the complaint in due course. *See* Fed. R. Civ. P. 81(c)(2).

² An attorney with the Federal Bureau of Prisons accepted service of a copy of the state-court citation and complaint for each of Upton, Armstrong, and Dixon on March 28, 2019.

Respectfully submitted,

ERIN NEALY COX
United States Attorney



Brian W. Stoltz
Assistant United States Attorney
Texas Bar No. 24060668
1100 Commerce Street, Third Floor
Dallas, Texas 75242-1699
Telephone: 214-659-8626
Facsimile: 214-659-8807
brian.stoltz@usdoj.gov

Attorneys for Defendants

JS 44 (Rev. 06/17) - TXND (Rev. 06/17)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Lisa Biron

DEFENDANTS

Jody Upton, Leticia A. Armstrong, E. Dixon

(b) County of Residence of First Listed Plaintiff

(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) Attorneys (Firm Name, Address, and Telephone Number)

n/a (pro se)

Attorneys (If Known)

Brian W. Stoltz, AUSA, 1100 Commerce St., Third Floor, Dallas, TX 75242
(214) 659-8626**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER/STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input checked="" type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609				

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Removed by federal defendants under 28 U.S.C. 1442

Brief description of cause:

Plaintiff is suing for alleged violations of rights by prison officials

VII. REQUESTED IN COMPLAINT:☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE (see separate sheet)

DOCKET NUMBER

DATE

04/22/2019

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

**United States District Court
Northern District of Texas**

**Supplemental Civil Cover Sheet For Cases Removed
From State Court**

1. State Court Information:

<u>Court</u>	<u>Case Number</u>
141st District Court Tarrant County, Texas	141-305850-19

2. Style of the Case:

<u>Party and Party Type</u>	<u>Attorney(s)</u>
Lisa Biron Plaintiff	n/a (pro se)
Federal Medical Center ("FMC") Carswell Warden Jody Upton Defendant	Brian W. Stoltz Assistant United States Attorney Texas Bar No. 24060668 1100 Commerce Street, Third Floor Dallas, Texas 75242-1699 Telephone: 214-659-8626 Facsimile: 214-659-8807 brian.stoltz@usdoj.gov
FMC Carswell Psychologist Leticia A. Armstrong Defendant	Brian W. Stoltz (see above)
FMC Carswell Psychologist E. Dixon Defendant	Brian W. Stoltz (see above)

3. Jury Demand: Was a Jury Demand made in State Court? Yes.

4. Answer: Was an Answer made in State Court? No.

Supplemental Civil Cover Sheet

Page 2

5. Unserved Parties:

n/a — Kacie Inman, an attorney with the Federal Bureau of Prisons, accepted service of the state-court citation and a copy of the complaint for each of Upton, Armstrong, and Dixon.

6. Nonsuited, Dismissed or Terminated Parties: n/a

7. Claims of the Parties:

The filing party submits the following summary of the remaining claims of each party in this litigation:

<u>Party</u>	<u>Claim(s)</u>
Plaintiff Lisa Biron	alleged violation of rights by prison officials

INDEX OF STATE COURT RECORDS

	<u>Document</u>	<u>Filing Date</u>
1.	Docket Sheet	n/a
2.	Civil Complaint for Damages and and Injunctive Relief	1/31/2019
3.	Cover Letter	1/31/2019
4.	Cover Letter re Affidavit of Inability to Pay	2/25/2019
5.	Affidavit of Inability to Pay	2/25/2019
6.	Service Request Form	2/25/2019
7.	Service Request Form	2/25/2019
8.	Letter from Court Clerk	2/27/2019 (letter date)
9.	Officer's Return (Erin Nealy Cox)	3/29/2019
10.	Officer's Return (Leticia A Armstrong)	4/1/2019
11.	Officer's Return (E. Dixon)	4/1/2019
12.	Officer's Return (Warden Jody Upton)	4/1/2019

* Biron's date of birth appears in unredacted form in the affidavit of inability to pay in the state-court record, but in an abundance of caution has been redacted in the document provided herein. The original unredacted version remains available on the state-court docket, and can be provided by defendants to this Court if necessary.

**Tarrant County District Clerk Online**
Thomas A. Wilder, District Clerk

Civil - Case and Transaction Information

4/19/19 9:04 AM

Cause Number: 141-305850-19

Date Filed: 01-31-2019

LISA BIRON

| VS |

FEDERAL MEDICAL CENTER

("FMC"), ET AL

Cause of Action: OTHER CIVIL, OTHER

Case Status: PENDING

File Mark	Description		Assessed Fee	Credit/Paid Fee
01-31-2019	CIVIL COMPLAINT FOR DAMAGES & INJ/DECLARATORY RLF N	I	289.00	
01-31-2019	COVER LTR	I		0.00
02-25-2019	PLTF'S CVR LTR RE: AFFDT INABILITY TO PAY/CITS REQ	I		0.00
02-25-2019	PAUPERS AFFDT OF INABILITY TO PAY COSTS	I		0.00
02-25-2019	SVC REQ FORM (NO COPIES PD)	I		0.00
02-25-2019	SVC REQ FORM (NO COPIES PD)	I		0.00
02-28-2019	CIT W/SVC-ISSUED ON WARDEN JODY UPTON-On 03/20/2019	N Svc	83.00	
02-28-2019	CIT W/SVC-ISSUED ON LETICIA A ARMSTRONG-On 03/20/2019	N Svc	83.00	
02-28-2019	CIT W/SVC-ISSUED ON E DIXON-On 03/20/2019	N Svc	83.00	
02-28-2019	CIT Cert Mail-ISSUED ON ERIN NEALY COX-On 03/20/2019	N Svc	83.00	
03-04-2019	INMATE LTR TO PRO SE REQ COPIES OR PAYMENT	I		0.00
03-28-2019	CIT Cert Mail Tr# 10 RET EXEC(ERIN NEALY COX) On 0 3/26/2019	I		0.00
04-01-2019	Adjustment for service fee from # 8	N A	0.00	
04-01-2019	CIT W/SVC Tr# 8 RET EXEC(LETICIA A ARMSTRONG) On 0 3/28/2019	I		0.00
04-01-2019	Adjustment for service fee from # 9	N A	0.00	
04-01-2019	CIT W/SVC Tr# 9 RET EXEC(E DIXON) On 03/28/2019	I		0.00
	Adjustment for service fee from # 7		0.00	

04-01-		N	
2019		A	
04-01-	<u>CIT W/SVC Tr# 7 RET EXEC(WARDEN JODY UPTON) On</u>	I	<u>0.00</u>
2019	<u>03/28/2019</u>		

District Clerk's Office

Tom Vandergriff Civil Courts Building

100 N. Calhoun St., 2nd Floor, Fort Worth, Texas 76196, [Contact Us](#)

Please send questions and comments regarding the District Clerk web site to [District Clerk Webmaster](#)

TARRANT COUNTY DISTRICT COURT
48th District

141 305850 19

Cause Number: _____

FILED
TARRANT COUNTY
2019 JAN 31 P 12:24
THOMAS A. WILDER
DISTRICT CLERK

Lisa Biron,
Plaintiff

v.

Federal Medical Center ("FMC")
Carswell Warden Jody Upton;
FMC Carswell Psychologist Leticia
A. Armstrong; FMC Carswell
Psychologist E. Dixon,
Defendants

CIVIL COMPLAINT FOR
DAMAGES AND INJUNCTIVE AND
DECLARATORY RELIEF

JURY TRIAL
Requested

1. Plaintiff, Lisa Biron, is a federal inmate presently incarcerated in Federal Correctional Institution, Waseca, MN. The events giving rise to the within claims occurred at Federal Medical Center, Carswell, in Fort Worth, Texas, Tarrant County.
2. She brings the within claims for damages under the Religious Freedom Restoration Act (42 U.S.C. §§ 2000bb et seq.), under Bivens v. Six Unknown Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971), and for declaratory and injunctive relief to redress the deprivation, under color of federal law of rights secured under the Constitution and Laws of Texas, and under the Constitution and Laws of the United States.
3. Defendant Mr. Jody Upton is the Warden of FMC Carswell. He is legally responsible for the operations of FMC Carswell and protecting the constitutional rights of the inmates housed there.
4. Defendant Leticia A. Armstrong is a psychologist and correctional officer at FMC Carswell.

5. Defendant E. Dixon is a psychologist and correctional officer at FMC Carswell.

6. Warden Upton is sued in his official capacity only.

7. Leticia Armstrong and E. Dixon are sued in their individual and official capacity.

Claims

8. On or about September 25, 2015, E. Dixon conducted a search of Ms. Biron's locker and removed a 144-page manuscript draft and notes written by Ms. Biron.

9. The writing contained the documentation and information gleaned from hours of Biblical study and research on the Christian view of morality regarding sexual conduct.

10. It is Ms. Biron's sincerely held religious belief that she was directed by God to research, pray about, and study the Bible concerning God's view on the matter and to record these conclusions in writing, which would culminate in a book on the subject.

11. It is Ms. Biron's sincerely held religious belief that this process, as directed by the Lord, is a part of her practice of her Christian faith and self-improvement process.

12. E. Dixon's act of removing this document from Ms. Biron's possession violated her rights under the First Amendment's Free Exercise Clause and Freedom of Expression Clause; the Religious Freedom Restoration Act (42 U.S.C. §§ 2000bb et seq.); the Fifth Amendment; and Texas law.

13. On or about October 15, 2015, Leticia Armstrong paged Ms. Biron to the lieutenant's office where L. Armstrong permanently confiscated the 144-page manuscript.

14. Armstrong's act of confiscating Ms. Biron's writing violated the

First Amendment's Free Exercise Clause and Freedom of Expression Clause; the Religious Freedom Restoration Act (42 U.S.C. §§ 2000bb et seq.) and the Fifth Amendment to the United States Constitution and Texas law.

15. On or about September 30, 2015 (after the writing was taken but before it was officially confiscated) Ms. Biron sent an email to Warden Upton advising him of the situation. He failed to intervene to protect Ms. Biron's civil rights and religious liberties.

16. On May 2, 2017, Ms. Biron received the final denial of Administrative Remedy # 842574 (dated 4/10/2017) regarding her stolen writing.

Remedies and Relief

17. Ms. Biron seeks compensatory and punitive damages against L. Armstrong and E. Dixon.

18. Ms. Biron's remedy at law, however, is inadequate and incomplete, and she will be irreparably injured by the loss of her writing unless the Court grants declaratory and injunctive relief.

WHEREFORE, Ms. Biron requests this Honorable Court:

19. Grant her a declaration that the acts and omissions described herein violate her rights under the United States Constitution, the Texas Constitution, the Religious Freedom Restoration Act and State and Federal Law.

20. Grant a preliminary and permanent injunction ordering the Defendants to return Ms. Biron's writing to her.

21. Award Ms. Biron compensatory and punitive damages against L. Armstrong and E. Dixon to the fullest extent allowed under the law.

22. Grant Ms. Biron her costs and fees incurred for prosecuting this lawsuit.

23. Grant such other relief as this Court deems just and equitable.

Respectfully submitted

1/23/2019
Date

Lisa Biron
Lisa Biron (#12775-049)
FCI Waseca
P.O. Box 1731
Waseca, MN 56093

Verification

I hereby swear, under penalty of perjury, that the matters and facts alleged in the foregoing Complaint are true and correct.

1/23/2019
Date

Lisa Biron
Lisa Biron

141 305850 19

Lisa A. Biron
Reg. # 12775-049
Federal Correctional Institution
P.O. Box 1731
Waseca, MN 56093

Thomas A. Wilder, Clerk
Tarrant County District Court
48th District
100 N. Calhoun Street
Fort Worth, TX 76196

January 23, 2019

FILED
TARRANT COUNTY
2019 JAN 31 P 12:24
THOMAS A. WILDER
DISTRICT CLERK

Dear Mr. Wilder:

I have enclosed, for filing with the Court, a Complaint to begin a civil lawsuit in your Court.

Please forward any forms that I am required to fill out in order to proceed in forma pauperis as I am an indigent federal inmate with no assets or present ability to pay any filing fee.

I understand that the Citation is a Court issued document, but I have forwarded a copy of the Complaint to the United States Attorney, Erin Nealy Cox, via U.S. Certified Mail. She represents the Defendants and has a duty to mitigate the costs of formal service. Therefore, no personal service on the Defendants should be necessary.

Thank you for your prompt attention to this matter.

Sincerely,

Lisa Biron

Lisa Biron

Cc: Erin Nealy Cox, United States Attorney, N.D. Tex.

gch

Lisa A. Biron
Reg. # 12775-049
Federal Correctional Institution
P.O. Box 1731
Waseca, MN 56093

Lisa Letbetter, Deputy District Clerk
Tarrant County District Court
100 N. Calhoun Street
Fort Worth, Texas 76196-0402

February 18, 2019

FILED
TARRANT COUNTY
2019 FEB 25 AM 10:16
THOMAS A. WILBER
DISTRICT CLERK

Re: Biron v. Upton, et al, no. 141-305850-19

Dear Ms. Letbetter:

I have enclosed my Statement of Inability to Afford Payment of Court Costs, and hope to be allowed to proceed in forma pauperis.

In addition, since I have not received any acknowledgement of this filing from the United States Attorney, I have enclosed the forms to obtain service on the defendants.

Please advise if there is more I need to do as far as service and waiver of court and service fees.

Thank you for your attention to this matter.

Sincerely,



Lisa Biron

Cc: United States Attorney Erin Nealy Cox (w/o enclosures)

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATACause Number: 141 305850 19
(The Clerk's office will fill in the Cause Number when you file this form)Plaintiff: Lisa A. Biron
(Print first and last name of the person filing the lawsuit.)In the (check one):
48th ☒ District Court
Court ☐ County Court / County Court at Law
Number ☐ Justice CourtAnd:
FMC Carswell Warden Jody Upton;
Defendant: L. Armstrong & E. Dixon
(Print first and last name of the person being sued.)Tarrant Texas
County**Statement of Inability to Afford Payment of Court Costs or an Appeal Bond**FILED
TARRANT COUNTY
2019 FEB 25 AM
THOMAS A. CLERK
DEER**1. Your Information**My full legal name is: Lisa Ann Biron My date of birth is: 11/11/16
First Middle Last Month/Day/YearMy address is: (Home) Federal Correctional Institution
(Mailing) P.O. Box 1731, Waseca, MN 56093My phone number: N/A My email: N/A

About my dependents: "The people who depend on me financially are listed below."

Name	Age	Relationship to Me
1 <u>N/A</u>		
2		
3		
4		
5		
6		

2. Are you represented by Legal Aid?☐ I am being represented in this case for free by an attorney who works for a legal aid provider or who received my case through a legal aid provider. I have attached the certificate the legal aid provider gave me as 'Exhibit: Legal Aid Certificate.'

-or-

☐ I asked a legal-aid provider to represent me, and the provider determined that I am financially eligible for representation, but the provider could not take my case. I have attached documentation from legal aid stating this.

or-

☒ I am not represented by legal aid. I did not apply for representation by legal aid.**3. Do you receive public benefits?**☒ I do not receive needs-based public benefits. - or -☐ I receive these public benefits/government entitlements that are based on indigency:
(Check ALL boxes that apply and attach proof to this form, such as a copy of an eligibility form or check.)
☐ Food stamps/SNAP ☐ TANF ☐ Medicaid ☐ CHIP ☐ SSI ☐ WIC ☐ AABD
☐ Public Housing or Section 8 Housing ☐ Low-Income Energy Assistance ☐ Emergency Assistance
☐ Telephone Lifeline ☐ Community Care via DADS ☐ LIS in Medicare ("Extra Help")
☐ Needs-based VA Pension ☐ Child Care Assistance under Child Care and Development Block Grant
☐ County Assistance, County Health Care, or General Assistance (GA)
☒ Other: I am an indigent Federal inmate who has been incarcerated since 11/2012

4. What is your monthly income and income sources?

"I get this monthly income:

\$ 15.00 in monthly wages. I work as an Orderly @ .12/hour for the FBOP
Your job title Your employer

\$ _____ in monthly unemployment. I have been unemployed since (date) _____.

\$ 125.00 in monthly gifts from my family

\$ _____ from other people in my household each month: (List only if other members contribute to your household income.)

\$ _____ from ☐ Retirement/Pension ☐ Tips, bonuses ☐ Disability ☐ Worker's Comp
☐ Social Security ☐ Military Housing ☐ Dividends, interest, royalties
☐ Child/spousal support
☐ My spouse's income or income from another member of my household (if available)

\$ _____ from other jobs/sources of income. (Describe) _____

\$ 140.00 is my total monthly income.**5. What is the value of your property?**

"My property includes:

	Value*
Cash	\$ <u>N/A</u>
Bank accounts, other financial assets	
<u>Inmate Account</u>	\$ <u>50.15</u>
_____	\$ _____
_____	\$ _____
Vehicles (cars, boats) (make and year)	
<u>N/A</u>	\$ _____
_____	\$ _____
_____	\$ _____
Other property (like jewelry, stocks, land, another house, etc.)	
<u>N/A</u>	\$ _____
_____	\$ _____
_____	\$ _____
Total value of property	→ \$ <u>50.15</u>

6. What are your monthly expenses?

"My monthly expenses are:

	Amount
Rent/house payments/maintenance	\$ _____
Food and household supplies	\$ <u>100.00</u>
Utilities and telephone and postage	\$ <u>40.00</u>
Clothing and laundry	\$ _____
Medical and dental expenses	\$ _____
Insurance (life, health, auto, etc.)	\$ _____
School and child care	\$ _____
Transportation, auto repair, gas	\$ _____
Child / spousal support	\$ _____
Wages withheld by court order	\$ _____
Debt payments paid to: (List)	\$ _____
_____	\$ _____
_____	\$ _____
Total Monthly Expenses	→ \$ <u>140.00</u>

*The value is the amount the item would sell for less the amount you still owe on it, if anything.

7. Are there debts or other facts explaining your financial situation?

"My debts include: (List debt and amount owed) I owe approximately \$ 150,000.00 in student loans.
As stated, supra, I am an indigent Federal inmate incarcerated since 11/2012.

(If you want the court to consider other facts, such as unusual medical expenses, family emergencies, etc., attach another page to this form labeled "Exhibit: Additional Supporting Facts.") Check here if you attach another page. ☐

8. Declaration

I declare under penalty of perjury that the foregoing is true and correct. I further swear:

☒ I cannot afford to pay court costs.☐ I cannot furnish an appeal bond or pay a cash deposit to appeal a justice court decision.My name is Lisa A. Biron (Reg. # 12775-049) My date of birth is: [REDACTED]My address is FCI Waseca, P.O. Box 1731, Waseca, MN 56093 Waseca
Street City State Zip Code Country

► Lisa Biron signed on 02/18/19 in Waseca County, Minnesota
Signature Month/Day/Year county name State



FILED
TARRANT COUNTY

2019 FEB 25 AM 10:16

THOMAS A. WILDER
DISTRICT CLERK

12775-049
P

12775-049
Tarrant County District Ct
Thomas Wilder, Clerk
100 N Calhoun ST
FORT Worth, TX 76196
United States

Attn: Deputy Dist. Clerk Fetherston

THOMAS A. WILDER, DISTRICT CLERK

TARRANT COUNTY SERVICE REQUEST FORM

FILED
TARRANT COUNTY
2019 FEB 25 AM 10:16
THOMAS A. WILDER
DISTRICT CLERK

Cause No: 141 305850 19Style of Case: Lisa Biron v. FMC Carswell Warden Jody Upton; FMC Carswell Psychologist Leticia A. Armstrong; FMC Carswell Psychologist E. Dixon

Please reference the District Clerk web page, www.tarrantcounty.com/DistrictClerk/Forms for the following forms: Abstracts, Executions, Subpoenas.

Choose the type of service documents for issuance and select the type and quantity of issuance(s) needed. *For electronic service, service document will be e-mailed to you for you to attach documents and have party served.

☒ Check box if you would like the District Clerk's Office to make copies for your service. (add \$.50 per page per pleading for copies for service)

Title of Pleading to be Served: Civil ComplaintDate Pleading Filed: 1/31/2019

Return to (e-Service ONLY): _____

(Name and e-mail address)

Quantity	Type of Service	TC Constable	Alternative Service (Private Process or Out of County)	Certified Mail	*Electronic Service
	Citation by Publication				
	Citation by Posting				
1	Citation			X	
	TRO				
	Show Cause				
	Capias				
	Arrest Warrant				
	Protective Order				
	Writ of Habeas				
	Writ of Attachment				
	Bench Warrant				
	Writ of Garnishment				
	Writ of Permanent Injunction				
	Writ of Temporary Injunction				

Name of Party to be served: All c/o US Attorney Erin Service Type: Certified MailAddress for Service: Nealy Cox, 1100 Commerce St., 3rd Floor, Dallas Texas 75242 Party Type: Civil Defendants

Name of Party to be served: _____

Service Type: _____

Address for Service: _____

Party Type: _____

Attach additional pages if there are more parties to be served.

PERSON REQUESTING SERVICE:NAME: Lisa A. Biron (Reg. # 12775-049)MAILING ADDRESS: FCI Waseca, P.O. Box 1731, Waseca, MN 56093PHONE NO: (507) 835-8972FAX NO.: N/AEMAIL ADDRESS: N/A

THOMAS A. WILDER, DISTRICT CLERK

TARRANT COUNTY SERVICE REQUEST FORM

Cause No: 141 305850 19Style of Case: Lisa Biron v. FMC Carswell Warden Jody Upton; FMC Carswell Psychologist Leticia A. Armstrong; FMC Carswell Psychologist E. DoxonPlease reference the District Clerk web page, www.tarrantcounty.com/DistrictClerk/Forms for the following forms: Abstracts, Executions, Subpoenas.

Choose the type of service documents for issuance and select the type and quantity of issuance(s) needed. *For electronic service, service document will be e-mailed to you for you to attach documents and have party served.

☒ Check box if you would like the District Clerk's Office to make copies for your service. (add \$1.50 per page per pleading for copies for service)

Title of Pleading to be Served: Civil ComplaintDate Pleading Filed: 1/31/2019Return to (e-Service ONLY): _____
(Name and e-mail address)

Quantity	Type of Service	TC Constable	Alternative Service (Private Process or Out of County)	Certified Mail	Electronic Service
	Citation by Publication				
	Citation by Posting				
3	Citation	X			
	TRO				
	Show Cause				
	Capias				
	Arrest Warrant				
	Protective Order				
	Writ of Habeas				
	Writ of Attachment				
	Bench Warrant				
	Writ of Garnishment				
	Writ of Permanent Injunction				
	Writ of Temporary Injunction				

Name of Party to be served: Warden J. Upton Service Type: ConstableAddress for Service: FMC Carswell, Fort Worth, TX Party Type: Civil DefendantName of Party to be served: Leticia Armstrong Service Type: ConstableAddress for Service: FMC Carswell, Fort Worth, TX Party Type: Civil DefendantName of Party: E. Dixon Service Type: ConstableAddress for Service: FMC Carswell, Fort Worth, TX Party Type: Civil Defendant**PERSON REQUESTING SERVICE:**NAME: Lisa A. Biron (Reg. # 12775-049)MAILING ADDRESS: FCI Waseca, P.O. Box 1731, Waseca, MN 56093PHONE NO: (507) 835-8972FAX NO.: N/AEMAIL ADDRESS: N/A



TARRANT COUNTY

THOMAS A. WILDER
DISTRICT CLERK

RE: 141-305850-19

Date: 02/27/2019

To: Lisa Biron

This office is unable to complete your request. Please note that the District Clerk's office does not supply forms for the filing of Petitions.

Please give your attention to the following Marked Items:

- ☐ Please do your research in the Law Library for the forms that you may need.
- ☐ This office does not give legal advice. You will need to contact an attorney or refer to the Law Library.
- ☐ Please send money order/Cashier's check in the amount of \$_____.
- ☐ Please specify the name and service address of defendant(s) to be served.
- ☐ Please file all papers on 8 ½ X 11 size paper (letter).

X Other: In order for your citations to be produced we will need 4 copies of Original Complaint
provided or we can print copies at \$.50 a page. (16pgs. x .50 = \$8.00).

The paupers affidavit does not cover the cost of copies.

Respectfully,

COPY

Stacci L. Reynolds
141st Associate Court Clerk
Tarrant County District Clerk
100 N. Calhoun ST, 2nd Floor
Fort Worth, TX 76196
817-884-1198



TARRANT COUNTY
THOMAS A. WILDER
DISTRICT CLERK - CIVIL
100 N. CALHOUN ST., 2ND FLOOR
FORT WORTH, TEXAS 76196-0402

141ST

LISA BIRON
CID 12775-049
FCI WASECA
PO BOX 1731
WASECA MN 56093

LISA BIRON
Cause Number 141-305850-19
VS

FEDERAL MEDICAL CENTER
("FMC"), ET AL

OFFICER'S RETURN

Received this Citation By Certified Mail on the 20th day of March, 2019 at 2:00 PM ; and executed at
US ATTORNEY 1100 COMMERCE ST 3RD FLR DALLAS TX 75242

within the county of _____ State of TX on the 26th day of March, 2019 by mailing to
the within named ERIN NEALY COX a true copy of this Citation By Certified Mail
together with the accompanying copy of:
CIVIL COMPLAINT FOR DAMAGES AND INJUNCTIVE AND DECLARATORY RELIEF

Authorized Person/Constable/Sheriff: Thomas A. Wilder
100 N CALHOUN
FORT WORTH TX 76196-0402

County of Tarrant, State of Texas

By Stacci Reynolds Deputy

Fees \$ 75.00

STACCI REYNOLDS

(Must be verified if served outside the State of Texas)

State of _____ County of _____

Signed and sworn to by the said _____ before me this _____
to certify which witness my hand and seal of office

FILED
TARRANT COUNTY
2019 MAR 29 AM 9:26
THOMAS A. WILDER
DISTRICT CLERK
(SR)



County of Tarrant, State of Texas

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

ERIN NEALY COX
C/O US ATTORNEY
1100 COMMERCE ST, 3RD FLR
DALLAS, TX 75242

141-305850-19 DP/LM/CM



9590 9402 4268 8121 6797 45

2. Article Number (Transfer from service label)

7015 3430 0000 8630 5487

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature [Signature] ☐ Agent
☒ Addressee

B. Received by (Printed Name) A. Nowlin C. Date of Delivery 03/26/19

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

THOMAS A. WILDER
DISTRICT CLERK

2019 MAR 28 PM 4:30

3. Service Type
☐ Adult Signature
☒ Adult Signature Restricted Delivery
☒ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Insured Mail
☐ Insured Mail Restricted Delivery (over \$500)
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery



14130585019000010

Domestic Return Receipt

THE STATE OF TEXAS
DISTRICT COURT, TARRANT COUNTY

ORIGINAL

CITATION

Cause No. 141-305850-19

LISA BIRON

VS.

FEDERAL MEDICAL CENTER ("FMC"), ET AL

TO: ERIN NEALY COX

C/O US ATTORNEY 1100 COMMERCE ST 3RD FLR DALLAS, TX 75242-

You said DEFENDANT are hereby commanded to appear by filing a written answer to the CIVIL COMPLAINT FOR DAMAGES AND INJUNCTIVE AND DECLARATORY RELIEF at or before 10 o'clock A.M. of the Monday next after the expiration of 20 days after the date of service hereof before the 141st District Court in and for Tarrant County, Texas, at the courthouse in the City of Fort Worth, Tarrant County, Texas said PLAINTIFF being

LISA BIRON

Filed in said Court on January 31st, 2019 Against
FEDERAL MEDICAL CENTER ("FMC"), WARDEN JODY UPTON, LETICIA A ARMSTRONG, E DIXON, ERIN NEALY COX

For suit, said suit being numbered 141-305850-19 the nature of which demand is as shown on said
CIVIL COMPLAINT FOR DAMAGES AND INJUNCTIVE AND DECLARATORY RELIEF a copy of which accompanies this citation.

PRO SE

Attorney for LISA BIRON Phone No. -

Address FCI WASECA PO BOX 1731 WASECA, MN 56093

Thomas A. Wilder, Clerk of the District Court of Tarrant County, Texas, Give under my hand and the seal
of said Court, at office in the City of Fort Worth, this the 20th day of March, 2019.

By Lauren Melanson

LAUREN MELANSON

Deputy

NOTICE: You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 AM. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you.

Thomas A. Wilder, Tarrant County District Clerk, 100 N CALHOUN, FORT WORTH TX 76196-0402

OFFICER'S RETURN *14130585019000010*

Received this Citation on the _____ day of _____, _____ at _____ o'clock _____ M; and executed at
_____ within the county of _____, State of _____ at _____ o'clock _____ M
on the _____ day of _____, _____ by mailing to the within named _____

a true copy of this Citation together with the accompanying copy of CIVIL COMPLAINT FOR DAMAGES AND INJUNCTIVE AND
DECLARATORY RELIEF having first endorsed on same the date of delivery.

Deputy/Constable/Sheriff: _____

County of _____ State of _____ By _____ Deputy
Fees \$ _____

State of _____ County of _____ (Must be verified if served outside the State of Texas)

Signed and sworn to by the said _____ before me this _____ day of _____,
to certify which witness my hand and seal of office

(Seal)

County of _____, State of _____

7015 3430 0000 8630 5487

CITATION

Cause No. 141-305850-19

LISA BIRON

VS.

FEDERAL MEDICAL CENTER
("FMC"), ET AL

ISSUED

This 20th day of March, 2019

Thomas A. Wilder
Tarrant County District Clerk
100 N CALHOUN
FORT WORTH TX 76196-0402

By LAUREN MELANSON Deputy

PRO SE

Name: LISA BIRON

Address: FCI WASECA
PO BOX 1731
WASECA, MN 56093

CIVIL LAW



14130585019000010

ORIGINAL

7015 3430 0000 8630 5487

U.S. Postal Service®	
CERTIFIED MAIL® RECEIPT	
Domestic Mail Only	
For delivery information, visit our website at www.usps.com ®	
OFFICIAL USE	
Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	\$
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$ 0.95
Sent To	ERIK MELANSON
Street and Apt. No.	C/O US ATTORNEY
City, State, ZIP+4	1100 COMMERCE ST, 3RD FLR DALLAS, TX 75242
PS Form 3800, 7-14	141-305850-19 DP/LM/CM

Postmark Here
MAR 21 2019

THOMAS A. WILDER
DISTRICT CLERK
2019 MAR 28 PM 4:30
FILED
TARRANT COUNTY

THE STATE OF TEXAS
DISTRICT COURT, TARRANT COUNTY

ORIGINAL

CITATION

Cause No. 141-305850-19

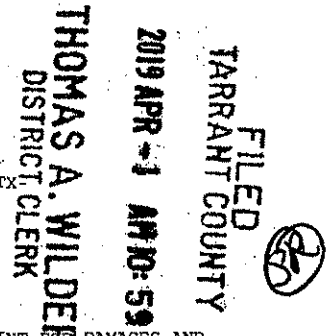
LISA BIRON

VS.

FEDERAL MEDICAL CENTER ("FMC"), ET AL

TO: LETICIA A ARMSTRONG

FEDERAL MEDICAL CENTER CARSWELL FORT WORTH, TX



You said DEFENDANT are hereby commanded to appear by filing a written answer to the CIVIL COMPLAINT FOR DAMAGES AND INJUNCTIVE AND DECLARATORY RELIEF at or before 10 o'clock A.M. of the Monday next after the expiration of 20 days after the date of service hereof before the 141st District Court, 100 N CALHOUN, in and for Tarrant County, Texas, at the Courthouse in the City of Fort Worth, Tarrant County, Texas said PLAINTIFF being

LISA BIRON

Filed in said Court on January 31st, 2019 Against

FEDERAL MEDICAL CENTER ("FMC"), WARDEN JODY UPTON, LETICIA A ARMSTRONG, E DIXON, ERIN NEALY COX

For suit, said suit being numbered 141-305850-19 the nature of which demand is as shown on said CIVIL COMPLAINT FOR DAMAGES AND INJUNCTIVE AND DECLARATORY RELIEF a copy of which accompanies this citation.

PRO SE

Attorney for LISA BIRON Phone No. -

Address FCI WASECA PO BOX 1731 WASECA, MN 56093

Thomas A. Wilder, Clerk of the District Court of Tarrant County, Texas. Given hand and the seal of said Court, at office in the City of Fort Worth, this the 20th day of March, 2019.

By

Lauren Melanson

LAUREN MELANSON

Deputy

NOTICE: You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 AM. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you.

Thomas A. Wilder, Tarrant County District Clerk, 100 N CALHOUN, FORT WORTH TX 76196-0402

OFFICER'S RETURN *14130585019000008*

Received this Citation on the 21 day of March 2019 at 1122 o'clock A M; and executed at FMC J. 59.844.3000 within the county of TARRANT, State of Tx at 1230 o'clock P M on the 28 day of March 2019 by delivering to the within named (Def.): Leticia A. Armstrong by deeney, defendant(s), a true copy of this Citation together with the accompanying copy of CIVIL COMPLAINT FOR DAMAGES AND INJUNCTIVE AND DECLARATORY RELIEF, having first endorsed on same the date of delivery. PO K. Wynn Attorney AT Address

Authorized Person/Constable/Sheriff:

County of

Constable Pci 4
Tarrant County, Texas

By

Deputy

Fees \$ 75

State of _____ County of _____ (Must be verified if served outside the State of Texas)

Signed and sworn to by the said _____ before me this _____ day of _____,

to certify which witness my hand and seal of office

(Seal)

County of _____, State of _____

Gm

CITATION

3003300

Cause No. 141-305850-19

LISA BIRON

VS.

FEDERAL MEDICAL CENTER
("FMC"), ET AL

ISSUED Leticia A Armstrong
Fmc Carswell, FTW TX

This 20th day of March, 2019

Thomas A. Wilder
Tarrant County District Clerk
100 N CALHOUN
FORT WORTH TX 76196-0402

By LAUREN MELANSON Deputy

PRO SE

Name: LISA BIRON

Address: FCI WASECA
PO BOX 1731
WASECA, MN 56093

CIVIL LAW



14130585019000008

ORIGINAL

JOE D. JOHNSON
SUPPORTER, PCT 4
TARRANT CNTY TX

2019 MAR 21 AM 11:22

DATE SERVED 3/28/19
TIME SERVED 1230
SERVER Mark

ATTEMPTS		
DATE	TIME	COMMENTS

THOMAS A. WILDER
DISTRICT CLERK
2019 APR -1 AM 10:59
FILED
TARRANT COUNTY

THE STATE OF TEXAS
DISTRICT COURT, TARRANT COUNTY

ORIGINAL

CITATION

Cause No. 141-305850-19

LISA BIRON
VS.
FEDERAL MEDICAL CENTER ("FMC"), ET AL

TO: E DIXON

FEDERAL MEDICAL CENTER CARSWELL FORT WORTH, TX

FILED
TARRANT COUNTY
2019 APR 11 AM 11:00
THOMAS A. WILDER
DISTRICT CLERK

You said DEFENDANT are hereby commanded to appear by filing a written answer to the CIVIL COMPLAINT FOR DAMAGES AND INJUNCTIVE AND DECLARATORY RELIEF at or before 10 o'clock A.M. of the Monday next after the expiration of 20 days after the date of service hereof before the 141st District Court, 100 N CALHOUN, in and for Tarrant County, Texas, at the Courthouse in the City of Fort Worth, Tarrant County, Texas said PLAINTIFF being

LISA BIRON

Filed in said Court on January 31st, 2019 Against
FEDERAL MEDICAL CENTER ("FMC"), WARDEN JODY UPTON, LETICIA A ARMSTRONG, E DIXON, ERIN NEALY COX

For suit, said suit being numbered 141-305850-19 the nature of which demand is as shown on said CIVIL COMPLAINT FOR DAMAGES AND INJUNCTIVE AND DECLARATORY RELIEF a copy of which accompanies this citation.

PRO SE

Attorney for LISA BIRON Phone No. -

Address FCI WASECA PO BOX 1731 WASECA, MN 56093

Thomas A. Wilder, Clerk of the District Court of Tarrant County, Texas, Given under my hand and the seal of said Court, at office in the City of Fort Worth, this the 20th day of March, 2019.

By

Lauren Melanson

LAUREN MELANSON

Deputy

NOTICE: You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 AM. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you.

Thomas A. Wilder, Tarrant County District Clerk, 100 N CALHOUN, FORT WORTH TX 76196-0402

OFFICER'S RETURN *14130585019000009*

Received this Citation on the 21 day of March 2019 at 11:02 o'clock A M; and executed at FMC J. St. 814, 300 within the county of Tarrant, State of TX at 1230 o'clock P M on the 28 day of March 2019 by delivering to the within named (Def.): E. Dixon by delivering to K. human Attorney at address defendant(s), a true copy of this Citation together with the accompanying copy of CIVIL COMPLAINT FOR DAMAGES AND INJUNCTIVE AND DECLARATORY RELIEF, having first endorsed on same the date of delivery.

Authorized Person/Constable/Sheriff:

County of

State of

By

Deputy

Fees \$

75

State of

County of

Constable Pct 4

(Must be verified if served outside the State of Texas)

Signed and sworn to by the said Tarrant County, Texas before me this ____ day of _____, ____ to certify which witness my hand and seal of office

(Seal)

County of _____, State of _____

Gmm

CITATION

3003300

Cause No. 141-305850-19

LISA BIRON

VS.

FEDERAL MEDICAL CENTER
("FMC"), ET AL

ISSUED *2. Dixon*
Fmc, FTW TX

This 20th day of March, 2019

Thomas A. Wilder
Tarrant County District Clerk
100 N CALHOUN
FORT WORTH TX 76196-0402

By LAUREN MELANSON Deputy

PRO SE

Name: LISA BIRON

Address: FCI WASECA
PO BOX 1731
WASECA, MN 56093

CIVIL LAW



14130585019000009

ORIGINAL

ATTEMPTS		
DATE	TIME	COMMENTS

JOE D. JOHNSON
CONSTABLE, POST 4
TARRANT COUNTY TX

2019 MAR 21 AM 11:22

DATE SERVED *3/28/19*
TIME SERVED *1230*
SERVER *hawk*

THOMAS A. WILDER
DISTRICT CLERK
2019 APR -1 AM 11:00
TARRANT COUNTY
FILED

THE STATE OF TEXAS
DISTRICT COURT, TARRANT COUNTY

ORIGINAL

CITATION

Cause No. 141-305850-19

LISA BIRON

VS.

FEDERAL MEDICAL CENTER ("FMC"), ET AL

TO: WARDEN JODY UPTON

FEDERAL MEDICAL CENTER CARSWELL FORT WORTH, TX

FILED
TARRANT COUNTY
2019 APR -1 AM 11:00
THOMAS A. WILDER
DISTRICT CLERK

You said DEFENDANT are hereby commanded to appear by filing a written answer to the CIVIL COMPLAINT FOR DAMAGES AND INJUNCTIVE AND DECLARATORY RELIEF at or before 10 o'clock A.M. of the Monday next after the expiration of 20 days after the date of service hereof before the 141st District Court, 100 N CALHOUN, in and for Tarrant County, Texas, at the Courthouse in the City of Fort Worth, Tarrant County, Texas said PLAINTIFF being

LISA BIRON

Filed in said Court on January 31st, 2019 Against
FEDERAL MEDICAL CENTER ("FMC"), WARDEN JODY UPTON, LETICIA A ARMSTRONG, E DIXON, ERIN NEALY COX

For suit, said suit being numbered 141-305850-19 the nature of which demand is as shown on said CIVIL COMPLAINT FOR DAMAGES AND INJUNCTIVE AND DECLARATORY RELIEF a copy of which accompanies this citation.

PRO SE

Attorney for LISA BIRON Phone No. -

Address FCI WASECA PO BOX 1731 WASECA, MN 56093

Thomas A. Wilder, Clerk of the District Court of Tarrant County, Texas, Given under my hand and the seal of said Court, at office in the City of Fort Worth, this the 20th day of March, 2019.

By

Lauren Melanson

LAUREN MELANSON

Deputy

NOTICE: You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 AM. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you.

Thomas A. Wilder, Tarrant County District Clerk, 100 N CALHOUN, FORT WORTH TX 76196-0402

OFFICER'S RETURN *14130585019000007*

Received this Citation on the 21 day of March 2019 at 11:00 o'clock A.M. and executed at FMC J. ST Bldg 3000 within the county of Tarrant, State of TX at 1230 o'clock P.M. on the 28 day of March 2019 by delivering to the within named (Def.) Warden Jody Upton by deputy defendant(s), a true copy of this Citation together with the accompanying copy of CIVIL COMPLAINT FOR DAMAGES AND INJUNCTIVE AND DECLARATORY RELIEF, having first endorsed on same the date of delivery. To Kinmen Attorney at address

Authorized Person/Constable/Sheriff:

County of

State of

By

Deputy

Fees \$

State of

County of

(Must be verified if served outside the State of Texas)

Signed and sworn to by the said Constable Pct 4 before me this ____ day of _____,to certify which witness my hand and seal of Tarrant County, Texas

(Seal)

County of _____, State of _____

GMM

CITATION

3003300

Cause No. 141-305850-19

LISA BIRON

VS.
Warden Jody Upton
FEDERAL MEDICAL CENTER
("FMC"), ET AL

ISSUED

This 20th day of March, 2019

Thomas A. Wilder
Tarrant County District Clerk
100 N CALHOUN
FORT WORTH TX 76196-0402

By LAUREN MELANSON Deputy

PRO SE

Name: LISA BIRON

Address: FCI WASECA
PO BOX 1731
WASECA, MN 56093

CIVIL LAW



14130585019000007

K. mason

ORIGINAL

JOE D. JOHNSON
CONSTABLE, PCT 4
TARRANT CNTY TX

2019 MAR 21 AM 11:08

DATE SERVED 3-20-19
TIME SERVED 1230
SERVER Frank

ATTEMPTS		
DATE	TIME	COMMENTS

THOMAS A. WILDER
DISTRICT CLERK
2019 APR -1 AM 11:00
TARRANT COUNTY
FILED

NOTICE OF RELATED CASES

This case involves claims by Lisa Biron, a federal inmate, that her civil rights were violated by prison officials in connection with the confiscation of a manuscript written by Biron on her “study and research on the Christian view of morality regarding sexual conduct.” As background, Biron is imprisoned due to her conviction on various federal sex offenses, and while imprisoned she has filed other lawsuits in which she has challenged restrictions imposed on her by prison officials relating to her sex offender status. These other cases involved some of the same parties but did not involve precisely the same claims as in the instant case (instead, they involved restrictions on Biron’s ability to contact the victim of her sex offenses), and notice of these cases is provided in the event that they should be deemed related to the instant case. The other cases are:

- Civil Action No. 4:14-CV-772-O, *Lisa A. Biron v. Warden Jody Upton*, assigned to Judge O’Connor—habeas corpus petition in which Biron challenged a prison disciplinary conviction for attempting to contact the victim of her sex offenses (closed)
- Civil Action No. 4:14-CV-823-O, *Lisa A. Biron v. Jody R. Upton*, transferred from the District of Connecticut, assigned to Judge O’Connor, then consolidated with Civil Action No. 4:14-CV-772-O—habeas corpus petition with similar claims (closed)
- Civil Action No. 4:15-CV-205-O, *Lisa A. Biron v. Jody Upton, Lauren Cimperman, FNU Wenger, FNU Kingsley, FNU Valle, W. L. Smithers, E. Smith-Branton*, originally assigned to Judge McBryde but then transferred to Judge O’Connor as related to the above-referenced cases—civil rights claims against prison officials relating to prison officials’ attempts to prevent Biron from contacting the victim of her sex offenses (pending)

CLERK OF DISTRICT COURT
NORTHERN DIST. OF TX
FORT WORTH DIVISION
RECEIVED

Stoltz, Brian (USATXN)

From: ecf_txnd@txnd.uscourts.gov
Sent: Monday, April 22, 2019 9:41 AM
To: Courtmail@txnd.uscourts.gov
Subject: Activity in Case 4:19-cv-00322-A Biron v. Upton et al Notice of Removal

2019 APR 23 PM 3:06

DEPUTY CLERK

This is an automatic e-mail message generated by the CM/ECF system. Please **DO NOT RESPOND** to this e-mail because the mail box is unattended.

*****NOTE TO PUBLIC ACCESS USERS***** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.

If you need to know whether you must send the presiding judge a paper copy of a document that you have docketed in this case, click here: [Judges' Copy Requirements](#). Unless exempted, attorneys who are not admitted to practice in the Northern District of Texas must seek admission promptly. [Forms and Instructions](#) found at www.txnd.uscourts.gov. If admission requirements are not satisfied within 21 days, the clerk will notify the presiding judge.

U.S. District Court

Northern District of Texas

Notice of Electronic Filing

The following transaction was entered by Stoltz-DOJ, Brian on 4/22/2019 at 9:40 AM CDT and filed on 4/22/2019

Case Name: Biron v. Upton et al
Case Number: 4:19-cv-00322-A
Filer: E. Dixon
Leticia Armstrong
Jody Upton
Document Number: 1
Judge Assigned: John McBryde (presiding)

Docket Text:

NOTICE OF REMOVAL from 141st District Court, Tarrant County, case number 141-305850-19 filed by E. Dixon, Leticia Armstrong, Jody Upton. (Filer fee note- Filed by the USA) In each Notice of Electronic Filing, the judge assignment is indicated, and a link to the [Judges Copy Requirements](#) is provided. The court reminds the filer that any required copy of this and future documents must be delivered to the judge, in the manner prescribed, within three business days of filing. Unless exempted, attorneys who are not admitted to practice in the Northern District of Texas must seek admission promptly. Forms and Instructions found at www.txnd.uscourts.gov, or by clicking here: [Attorney Information - Bar Membership](#). If admission requirements are not satisfied within 21 days, the clerk will notify the presiding

judge. (Attachments: # (1) Cover Sheet, # (2) Cover Sheet Supplement, # (3) Index of State Court Records, # (4) State Court Docket, # (5) Complaint, # (6) Cover Letter, # (7) Letter re Ability to Pay, # (8) Affidavit of Inability to Pay, # (9) Service Request Form, # (10) Service Request Form, # (11) Clerk's Letter, # (12) Officer's Return, # (13) Officer's Return, # (14) Officer's Return, # (15) Officer's Return, # (16) Notice of Related Cases) (Stoltz-DOJ, Brian)

4:19-cv-00322-A Notice has been electronically mailed to:

Brian Walters Stoltz-DOJ brian.stoltz@usdoj.gov, CaseView.ECF@usdoj.gov, scott.hogan@usdoj.gov

4:19-cv-00322-A The CM/ECF system has NOT delivered notice electronically to the names listed below. The clerk's office will only serve notice of court Orders and Judgments by mail as required by the federal rules.

Lisa A Biron
#12775-049
BOP Waseca FCI
PO Box 1731
Waseca, MN 56093

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1004035775 [Date=4/22/2019] [FileNumber=11476178-0] [68b3b8aef92d54bdae84bfaa8bcf4b1002ccc793b7191775140ec393a23c6bcac26bee6fce65bd9c34e91d3b9fe9462a9bcfe29fe9f260630961ce102c44d3b3]]

Document description:Cover Sheet

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1004035775 [Date=4/22/2019] [FileNumber=11476178-1] [59b62b92340867b7913df51e531143376f3c19c4f298636bf351d6bd7804b2f7205169f4774eac7586e2a47c228f3153eb81cb79fc8d3cf0135e06fe5ea9c2c6]]

Document description:Cover Sheet Supplement

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1004035775 [Date=4/22/2019] [FileNumber=11476178-2] [63b8106ba3b8d5f67c1b81ed9c45cda9199dabbe5980a71aa31ef9dddafa34549d69e9851da98f0f2789f0774f21bfe19b5715e21b408e14ea9e850804e5e0f79]]

Document description: Index of State Court Records

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1004035775 [Date=4/22/2019] [FileNumber=11476178-3] [c54ec388b6fd89a4eace5ce40427f404873dca0d83d9c176672a3942dbf3c1939b87db30c3d5e0d8cf24bf4ebaad17cefe301715ed2189e77a74ad64c44e523e]]

Document description: State Court Docket

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1004035775 [Date=4/22/2019] [FileNumber=11476178-

4] [0daa23020e520e7cec52645be85d58014e315fa320b72826b308b300f728299a5cf3b6fa21e42a7cd1097c45ea51a50e5ed814d886c261d24788efb1d2d33d1b]]

Document description: Complaint

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1004035775 [Date=4/22/2019] [FileNumber=11476178-5] [082382d3dfe1ae01c485d576344d346a22c511af93ecff4fcf510c7559c927b4b4ddee9819488746a9845c755b0e0df18773f5700d01ffa595d920ca7d8f0c6c]]

Document description: Cover Letter

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1004035775 [Date=4/22/2019] [FileNumber=11476178-6] [86e97fb278aaf5dcdabbe9f3350ad34c21b48af3503f7d70446df9cc72f075f69f103f65dc7a39c3a5e48da51872bde161013b14d21fb24a931ceb6b6f959be3]]

Document description: Letter re Ability to Pay

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1004035775 [Date=4/22/2019] [FileNumber=11476178-7] [eec580b0825fea3bb5ed89a12111099e0b5b8500c1dc02859fb632a20065b1753f1b3f7ba019c97c5a3f42ae985db0ce5692c96575ee5e74bc1a3e16f1d8fd1f]]

Document description: Affidavit of Inability to Pay

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1004035775 [Date=4/22/2019] [FileNumber=11476178-8] [a83bb84a5cff53ef448c6f40650e6b8179a42d748ffe60ba8ce7ac5080def8376d04b815a127ff28c56e7ca66ba2ealdd1d3f1c164ea67ac08e1b7a3cb29abfd]]

Document description: Service Request Form

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1004035775 [Date=4/22/2019] [FileNumber=11476178-9] [57423d8f8de957ecdab632a81a9400a0abbfde4f8a3c71af803452a27d42b62fc815a0f7f1452643fad4cdfdfef9c1e7f6a136754da08a17e0dbd8874c13d23]]

Document description: Service Request Form

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1004035775 [Date=4/22/2019] [FileNumber=11476178-10] [6997f7e60cba6f2c43e3ac872190ea06cec1b22cfb5c5b81e178cbecf3b04b5489a525e889a1682510a1ea9d78f42ec98d140069979f445d29879352ced374d6]]

Document description: Clerk's Letter

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1004035775 [Date=4/22/2019] [FileNumber=11476178-11] [1f20dcfa7265935c9f7315cf8329a70512f199c7daed4cc2c4da2c8fc7c88b5f953e88b9c70eb593b64f9084f2e891a3768349eb2c98301254ec1dc1183ac36a]]

Document description: Officer's Return

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1004035775 [Date=4/22/2019] [FileNumber=11476178-12] [c5d25094a96af3f6a6eb127ea13fccbb4f7beefb2b842771779116f67db60ca090c3c64aee66c48c51b2d1fb7a7f929976511b2616e5b7832777ba5039076662]]

Document description: Officer's Return

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1004035775 [Date=4/22/2019] [FileNumber=11476178-13] [5e2afcc13a0e6036e2056b1a0e57eb82d44758ca5853bf9bbb0570469a6e72df25a021dd100b34126699212f3d2d3f5ebd6297300b4a0fd3658b929913c2b958]]

Document description: Officer's Return

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1004035775 [Date=4/22/2019] [FileNumber=11476178-14] [6846234a8ea95b8ba7b9b6a715b39a5a4af8580081b773af3c30154c30158ab04bd3d0dbd2d425a79dd63e8c98bf792e18dba5d105ac44c0e4918dc97a4c5534]]

Document description: Officer's Return

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1004035775 [Date=4/22/2019] [FileNumber=11476178-15] [2e42a737e641aeea2af5930044cdc68e3f5248f7f81192190085045fc51a3afa3eb09721dfd7fdd9e9404d20c8082485c2fcbf1e62fd22708eec25f914abe531]]

Document description: Notice of Related Cases

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1004035775 [Date=4/22/2019] [FileNumber=11476178-16] [d311bf30e3372ad687766cb5cfc692bfc767eee20ed781563f8549af3a916f80c054aabf002d85381ea555848cfb143dacc70ce76f00e2b8b18d150773b0cd0c]]